



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes

June 17th, 2020

7:00 pm at Community Development Meeting Room & Zoom Video Conference
3 North Lowell Road

Attendance:

Chair, Derek Monson, Present
Vice Chair, Alan Carpenter, Present, via Zoom video conference
Joe Bradley, Present, via Zoom video conference
Jennean Mason, Present, via Zoom video conference
Ruth-Ellen Post, Present, via Zoom video conference
Jacob Cross, Present, via Zoom video conference
Matt Rounds (alternate), Present, via Zoom video conference
Gabe Toubia (alternate), Excused
Heath Partington, Board of Selectmen liaison, Present, via Zoom video conference
Dick Gregory- Planning Board Director
Renee Mallett- Minute Taker

The meeting opened at 7:14, after a false start at 7:01, with the Pledge of Allegiance and the introduction of members. On March 23rd, because of the Covid-19 pandemic, Governor Sununu created Emergency Order #12. This has relaxed the requirements of RSA 91-A, III(c) and allowed the meeting to be held while still following the CDC guidelines for social distancing and the Governor's restrictions on gathering of more than 10 people. As such many of the board members took part via Zoom video conference. The public was given a phone conference number with which to comment or ask questions while the meeting was in session.

Chair Monson said that the community development meeting room was now open for board members who felt comfortable attending in public. Those who wish to can still participate via Zoom. Mr. Partington said that Board of Selectmen meetings were now being held in the town hall, as it offers more space for social distancing, and that could be an option for the planning board moving forward.

Case 2020-12, Major Final Site Plan (lot 21-U-30) 3 Cobbett's Pond Road, Business Commercial A District, WWPD.

Mr. George Fredette, via Zoom video conferencing, represented this application to expand and reconfigure the parking lot at the Rockingham Emergency Veterinary Clinic. This will allow for more parking spaces and improved maneuverability. The parcel is in the WWPD.

Mr. Fredette shared a timeline of variances and waivers the parcel had received since 2009 when it was changed from a residential home to a veterinary clinic. Most recently, in 2019, an addition was

43 approved to the building to allow for a conference room to be moved from the basement to the first floor.
44 Mr. Fredette showed where existing trees would be removed and new ones replanted. The current 14%
45 impervious surfaces will be increased to 17%. This proposed plan comes within 33 feet of the wetlands, the
46 current closest spot is 22 feet. There is no net impact to the flood plain.

47 Mr. Fredette pointed out a 120-foot-long rip rap stormwater channel that had been added after
48 consulting with the Conservation Committee. It is noted on the plans that Green Snowpro will be used for
49 snow maintenance and that no salt will be used in the process. Also at the request of the Conservation
50 Committee, a series of indigenous shrubs will be added as a buffer to the wetlands. The applicant is asking
51 for a WWPDP special permit and five waiver requests.

52 Mr. Rounds called it a well thought out plan. He confirmed that there would be no changes to the
53 staff parking lot shown on the plan.

54 Mr. Bradley highlighted two contradictory notes on the plan, one saying the sign would not be
55 moved and another showing it would be relocated. Mr. Fredette said the sign that would be moved was a
56 small one that directed visitors to the client parking. Mr. Bradley also asked if the applicant would be willing
57 to accept fewer parking spots than what was being proposed as a condition of approval. Mr. Fredette
58 explained that parking is at a premium on the weekends. The clinic would normally be required to have 24
59 spaces under Windham's regulations, this plan asks for 10.

60 Ms. Post said the applicant showed a sensitivity to the WWPDP and was shown where no salt use
61 and Green Snowpro were noted on the plan.

62 Vice Chair Carpenter asked for details why a swale was not being used to direct run off instead of
63 the rip rap channel. He asked about the possibility of the parking lot taking on water during a hundred-year
64 flood. Dr. Barnett, the medical director and owner, said she had not seen the water climb that high during
65 the time she has owned the property.

66 Chair Monson asked that an operations and maintenance plan be provided.

67
68 Mr. Fredette listed the five waivers the applicant was asking for:

- 69
- 70 • 603.1- to skip the preliminary hearing as the plan was an improvement to the existing
- 71 parking and because the board had approved the addition to the building within the past
- 72 year.
- 73 • 603.2.4.2- to waive the requirement to have the plans stamped by a licensed land
- 74 surveyor. This plan references the unchanged 2019 plan that was stamped by the land
- 75 surveyor.
- 76 • 603.2.4.3- waiver of the HISS soils, as this was also done in 2019.
- 77 • 603.2.4.22- waive the requirement to have the plan stamped by a licensed landscape
- 78 architect. The plan as presented shows the addition of native plants that were selected
- 79 by a wetland scientist.
- 80 • 703.1.4- to waive the requirement for greenspace located within the parking lot itself.
- 81 The presented plan already makes better use of the space and to add the greenspace
- 82 would mean more encroachment on the WWPDP.
- 83

84 **Chair Monson opened and closed the session to public comment.**

85
86 **Vice Chair Carpenter made a motion to approve the following five waivers of the site plan**
87 **regulations: 603.1, 603.2.4.2, 603.2.4.3, 603.2.4.22, 703.1.4 as many of them were administrative and**
88 **some would cause more encroachment on the WWPDP. Ms. Mason seconded the motion. The motion**
89 **passed, 7-0, with the following roll call vote:**

90 **Chair Monson, aye**

Vice Chair Carpenter, aye
Mr. Bradley, aye
Ms. Mason, aye
Ms. Post, aye
Mr. Cross, aye
Mr. Partington, aye

Mr. Bradley made a motion to approve the WWPDP special permit because of the mitigation efforts that had been presented. Chair Monson seconded the motion. The motion passed, 7-0, with the following roll call vote:

Chair Monson, aye
Vice Chair Carpenter, aye
Mr. Bradley, aye
Ms. Mason, aye
Ms. Post, aye
Mr. Cross, aye
Mr. Partington, aye

Vice Chair Carpenter made a motion to approve the final site plan for Case 2020-12 as presented, with the condition that a maintenance plan for both the existing and proposed parking lot and drainage facilities would be added, that this final plan would reflect 10 parking spaces and not the 11 it was found to have inadvertently been added, and that all conditions mentioned in the Keach-Nordstrom memo related to the application be met to staff's satisfaction. Mr. Cross seconded the motion. The motion passed, 7-0, with the following roll call vote:

Chair Monson, aye
Vice Chair Carpenter, aye
Mr. Bradley, aye
Ms. Mason, aye
Ms. Post, aye
Mr. Cross, aye
Mr. Partington, aye

Interviews

Caron Pelletier-Renik, 20 Sawtelle Road, sent a letter of interest for the position of alternate on the Planning Board. She has been a Windham resident since 1978 and works as a realtor.

Vice Chair Carpenter asked if there were any concerns about a conflict of interest based on her real estate work. Ms. Pelletier-Renik said that she did not foresee any but that if a plan she was somehow connected with came before the board she would recuse herself.

Ms. Mason asked for Ms. Pelletier-Renik's thoughts on the direction of development in Windham. Ms. Pelletier-Renik said she had seen a lot of evolution in town throughout her years as a resident. She felt the residential side of things was growing a little fast but said change was good. She would like to see more commercial development.

Mr. Partington asked for her thoughts on improving the process. Ms. Pelletier-Renik said it seemed like more variances were being issued than perhaps should be.

Tom Early, 14 West Chester, had also expressed interest in the alternate position on the planning board. He has been a Windham resident for 7 years and says he has been involved in youth athletics and

conservation. He said his work as a process improvement engineer gave him the ability to quickly digest dense material.

Ms. Mason brought up that Mr. Early was a founder of the Windham Uncensored Facebook page. Mr. Early said he thought it was important to have a place for residents to have open discussion on town issues. He said that in the beginning there were some personalities involved that he described as “bad actors,” who have since been banned to maintain a baseline of civility within the group.

Mr. Early said that the will of the residents needed to be represented but also that too many unfairly believed elected officials were moving in a direction that residents did not want. Mr. Early described himself as big on conservation and said that existing zoning regulations needed more enforcing.

Mr. Partington asked what the applicant would change in land use or zoning. Mr. Early said that many residents had felt marginalized regarding the water issues in town.

Mr. Rounds asked how Mr. Early would balance the rights of landowners with the rights of abutters. Mr. Early said he would look for what was known, or should have been known, when a property was purchased. He did not feel it was the board’s job to rescue people from their own poor decisions.

Mark Kovac applied for the citizens position on the CIP. He is a trained physicist, formerly working in the defense industry. Dr. Kovac is the Chair of the local energy committee and in 2015 contributed to a chapter in the master plan.

Vice Chair Carpenter said that the energy chapter is one of the best written chapters in any master plan he has ever seen.

Vice Chair Carpenter made a motion to appoint Dr. Kovac as a citizen member of the CIP. Ms. Post seconded the motion. The motion passed, 7-0, with the following roll call vote:

Chair Monson, aye

Vice Chair Carpenter, aye

Mr. Bradley, aye

Ms. Mason, aye

Ms. Post, aye

Mr. Cross, aye

Mr. Partington, aye

MS4 Stormwater Revisions

Mr. Gregory presented two proposed revisions to the sub-division and site plan stormwater regulations, in accordance with the requirements of the MS4 EPA program. Ms. Post asked for more information on this designation as it had occurred at a time when she was not a planning board member. Chair Monson said these changes were dictated by the EPA and changes needed to be made by the end of the month deadline or the town would be fined. As a vote needs to be made in two weeks the public hearing on the changes will be added to the next planning board meeting agenda.

Mr. Bradley asked if the board could make changes to the suggested wording. He was told that they could add to the revisions but not lessen them. Mr. Gregory said the program was ramping up and that these changes would be an incremental step to more stringent changes in the future.

Old/New Business

Mr. Rounds voiced his opinion, in his reading of the laws surrounding the matter, that governmental boards like the planning board could discuss topics via email so long as those emails were made public later.

184 Mr. Partington disagreed, saying that residents needed to know where and when discussions would
185 happen between a quorum of board members. He did not think that email discussions were a good idea
186 even if published later. Vice Chair Carpenter agreed, asking what value there would be to adding email
187 discussions. He cautioned that members consider the risk versus the reward and that things said in private
188 or email could come up later as showing a prejudice to future cases.
189

190 Mr. Gregory gave an update on the matter of Mr. Keach overseeing all sub-divisions, which had
191 been raised at a previous meeting. Mr. Norman had consulted with the town engineer who had confirmed
192 that he does not automatically manage each sub-division and instead comes in only when asked to consult.
193

194 **Mr. Bradley made a motion to approve the minutes of 5/13/2020 and 5/20/2020. Ms. Mason**
195 **seconded the motion. The motion passed, 7-0, with the following roll call vote:**

196 **Chair Monson, aye**

197 **Vice Chair Carpenter, aye**

198 **Mr. Bradley, aye**

199 **Ms. Mason, aye**

200 **Ms. Post, aye**

201 **Mr. Cross, aye**

202 **Mr. Partington, aye**
203

204 **Vice Chair Carpenter made a motion to go into non-public session per RSA 91-A:3, II (c). Mr.**
205 **Partington seconded the motion. The motion passed, 7-0, with the following roll call vote:**

206 **Chair Monson, aye**

207 **Vice Chair Carpenter, aye**

208 **Mr. Bradley, aye**

209 **Ms. Mason, aye**

210 **Ms. Post, aye**

211 **Mr. Cross, aye**

212 **Mr. Partington, aye**
213

214 **Ms. Post made a motion to end the non-public session. Mr. Cross seconded the motion. The**
215 **motion passed, 7-0, with the following roll call vote:**

216 **Chair Monson, aye**

217 **Vice Chair Carpenter, aye**

218 **Mr. Bradley, aye**

219 **Ms. Mason, aye**

220 **Ms. Post, aye**

221 **Mr. Cross, aye**

222 **Mr. Partington, aye**
223

224 Mr. Tom Early was appointed to a three-year term as a planning board alternate. Ms. Caron
225 Pelletier-Renik was thanked for her interest.
226

227 **Vice Chair Carpenter made a motion to adjourn the meeting at 9:37pm. Ms. Mason seconded the**
228 **motion. The motion passed 7-0 with the following roll-call vote:**

229 **Chair Monson, aye**

230 **Vice Chair Carpenter, aye**

231 **Mr. Bradley, aye**

232 **Ms. Mason, aye**
233 **Ms. Post, aye**
234 **Mr. Cross, aye**
235 **Mr. Partington, aye**
236
237